

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

FRANK G. TREADWAY, ET AL.,

Plaintiffs,

v.

CIVIL ACTION NO: 5:16-CV-12149

BLUESTONE COAL CORP., ET AL.,

Defendants.

MEDIATION ORDER

On March 9, 2018, United States District Judge Irene C. Berger referred this matter to the undersigned for mediation. (Document No. 29.) Accordingly, it is hereby **ORDERED** that Mediation is scheduled on **Monday, April 23, 2018, at 10:00 a.m., at the Robert C. Byrd United States Courthouse, 110 North Heber Street, Room 227, Beckley, West Virginia,** with the undersigned serving as mediator.

Attendance at the mediation conference is mandatory. It is mandatory that the participants have full authority to make final and binding decisions for the parties. Failure of immediate availability may result in the imposition of sanctions.

Pursuant to Rule 16.6.5 of the Local Rules of Civil Procedure, **by the close of business on Wednesday, April 11, 2018**, the parties shall submit to the mediator, *ex parte* and *in camera*, a concise statement of the essential elements of the claims and defenses asserted, and the proof of each. The submission shall be identified prominently and clearly as “**MEDIATION MATERIALS.**” The submission shall include a statement of the factor which is the greatest obstacle to settlement and at least one suggestion to overcome it. The submission also shall

include at least one paragraph discussing the parties' relevant positions of settlement. This submission may be emailed to the law clerk of the undersigned, whose email address may be obtained by calling the office of the undersigned at (304) 324-4014.

All counsel and mediating parties must be prepared to negotiate openly and in good faith, and in an effort to reach a fair and reasonable settlement.

All proceedings and statements made during the mediation conference shall be privileged and confidential and shall not be disclosed by the mediator to the assigned Judge, or any person, unless specifically authorized by the interested parties or their counsel.

The Clerk is requested to transmit copies of this Order to counsel of record and to any unrepresented party.

ENTER: March 20, 2018.



Omar J. Aboulhosn
Omar J. Aboulhosn
United States Magistrate Judge